

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PAUL MONROE JAMES, III,

Plaintiff,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

CIVIL ACTION
NO. 19-04627

ORDER

AND NOW, this 2nd day of April 2020, upon consideration of Siemens Medical Solutions USA, Inc.'s Motion to Dismiss (ECF No. 11) and James's Response (ECF No. 13), it is **ORDERED** that the Motion is **DENIED in part and GRANTED in part**. Specifically:

- 1) The Motion is **GRANTED** as to James's: (a) manufacturing-defect claim in Count IV, and (b) claim for breach of the implied warranty of fitness for a particular purpose in Count V. Those claims are **DISMISSED without prejudice**. James is **GRANTED** leave to amend those claims **on or before Friday, May 1, 2020**.
- a) The Motion is **DENIED** in all other respects.

BY THE COURT:

/s/ Gerald J. Pappert

GERALD J. PAPPERT, J.